

An
Bord
Pleanála

Board Direction
BD-014395-23
ABP-317366-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 23/10/2023.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

Having regard to the house permitted under PL 18/1355, which is near completion, it is considered that the applicant's housing need has been appropriately met. Due to the high standard of construction of the subject development and lack of clarity in the description of development in public notices and the planning application, the development as proposed fails to address the temporary nature of such arrangements and future re-instatement of the garage permitted under PL 18/1355. Furthermore, having regard to Condition 11 of PL 18/1355 which states the 'proposed garage shall not be used for human habitation', the subject dwelling as constructed and occupied, would contravene materially Condition 11 of PL 18/1355, would set an undesirable precedent for similar development and would therefore be contrary to the proper planning and sustainable development of the area.


[Note:

1. The Board considered that Objective HO 034 of the Kildare County Development Plan 2023-2029 requires applicants to demonstrate that they do not own or have not been previously granted permission for a one-off rural dwelling in Kildare. Notwithstanding the temporary nature of the permission,

the proposed development, if permitted, would conflict with this objective because, when taken in conjunction with the existing dwelling on the site which was granted to the current applicant and which is substantially complete, it would give rise to a second dwelling on the site. The proposal would therefore conflict with Objective HO 034 of the Kildare County Development Plan 2023-2029. While ordinarily this would warrant further consideration and a request for further information from the applicant, in this instance, given the substantive reason for refusal above, it was decided not to pursue this matter under the current appeal.

2. The Board also considered that the wastewater treatment system serving the subject structure is not commensurate with the location permitted under PA. Ref. 18/1355. Consideration of the use of the subject structure as a residence served by this system cannot therefore be fully considered based on the information submitted, which does not address this issue. On the basis of the information submitted the Board is not satisfied that foul effluent arising from the use of the subject structure as a dwelling can be effectively treated and considers that the method of foul water disposal could increase the risk of serious water pollution. However, given the substantive reason for refusal as set out above, it was decided not to pursue this issue under the current appeal].

Board Member


Stephen Bohan

Date: 31/10/2023